## REISSUE LITIGATION

## IN THE UNITED STATES PATENT AND TRADEMARK"OFFICE

In re Reissue Application of:
U.S. Patent No. 5,570,338

Mark L. Collins et al.
Reissue Serial No. 09/533,906
Reissue Application Filed: March 8, 2000
For: TARGET AND BACKGROUND CAPTURE ) METHODS WITH AMPLIFICATION FOR ) AFFINITY ASSAYS

) Group Art Unit: 1655<br>)<br>) Examiner: Johannsen<br>)<br>)<br>) Atty. Docket No. Collins Reissue Protest<br>)

## TRANSMITTAL LETTER

## Attn: REISSUE LITIGATION BOX 7

Commissioner for Patents
Washington, D.C. 20231
Sir:
Attached are the following documents pertaining to the above-referenced Reissue Litigation:

1. Supplemental Information Disclosure Statement for Protest Under 37 CFR § 1.291-3 pga.;
2. PTO Form $1449-1 \mathrm{pg}$. (in duplicate -2 gs. total);
3. One Reference (U.S. Pat. No. 4,957,858, Thu et al.);
4. Proof of Service to: Jean Burke Fordis of Finnegan, Henderson, Farabow, Garrett, \& Dunner, LLP, 1300 I Street, N.W., Washington, D.C. 20005-2 pgs.;
5. Return/Pre-Paid Postcard

## CERTIFICATE OF DELIVERY

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being hand delivered to Group Art Unit 1655 on the date indicated below addressed to the Commissioner for Patents, Reissue Litigation Box 7, Commissioner for Patents, Washington, D.C. 20231.


PROTEST UNDER 37 C.F.R. § 1.291(a)
TRANSMITTAL LETTER

Atty. Docket No. Collins Reissue Protest

## REISSUE LITIGATION

Reissue App. of U.S. Patent No. 5,570,338 Mark L. Collins et al.

Reissue Application Filed: March 8, 2000

The enclosed documents are being hand-delivered as evidenced by the Certificate of Delivery on page one of this Transmittal Letter.

No fee is believed due in connection with this filing. If, however, Applicant is in error and a fee is due, please debit Deposit Account No. 07-0835 the appropriate amount.

Respectfully submitted,

Dated: March 23, 2001


Peter R. Shearer
Reg. No. 28,117
Gen-Probe Incorporated
10210 Genetic Center Drive
San Diego, California 92121
Telephone: (858) 410-8920
Facsimile: (858)410-8637

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: U.S. Patent No. 5,750,338

Mark L. Collins et al.
Reissue Serial No. 09/533,906
Reissue Application Filed: March 8, 2000
For: TARGET AND BACKGROUND CAPTURE METHODS WITH AMPLIFICATION FOR AFFINITY ASSAYS

Group Art Unit: 1655
Examiner: D. Johannsen

## PROOF OF SERVICE

## ATTENTION: REISSUE LITIGATION BOX 7

Commissioner for Patents
Washington, D.C. 20231

I, Kellee Clinton, do hereby declare as follows:

1. I am over the age of eighteen years, and not a party to this proceeding.
2. My business address is 10210 Genetic Center Drive, San Diego, California 92121.
3. On $B / 23 / 01$, I served the following documents in the manner described in

Paragraph 4:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT - 3 pgs.;
PTO FORM 1449 - 1 pg.;
ONE (1) REFERENCE (U.S. Pat. No. 4,957,858, Chu et al.);
TRANSMITTAL LETTER TO PTO - 2 pgs.; and
COPY OF RETURN/PREPAID POSTCARD TO PTO.
4. On $3 / 23 / 01$, I served the documents listed in Paragraph 3 by placing a copy of each of the documents in an envelope, sealing the envelope, and, with postage fully prepaid, placing the envelope for deposit with the United States Postal Service on the same day, at my business address shown above, following ordinary business practices, addressed to:

Jean Burke Fordis, Reg. No. 32,984<br>Finnegan, Henderson, Farabow, Garrett \& Dunner, L.L.P<br>Suite 700<br>1300 I Street, N.W.<br>Washington, D.C. 20005-3315

I hereby declare under the laws of the United States of America that all statements made herein are true of my own knowledge and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or
imprisonment or both, under Section 1001 of Title 18 of the United States Code.
Executed at San Diego, California on MARch 23, 2001


